

REMARKS

Before entry of this Amendment, claims 1 – 5 were pending under examination in the Application. Applicant has carefully considered the Office Action of 09 July 2003, including the references cited within. In response to that final Office Action, Applicant now files a Request for Continued Examination (RCE) and accompanying Amendment wherein the claims have been amended to more particularly point out and distinctly claim the subject matter of the present invention. The following is a brief summary of the Action:

Claims 1, 3, and 4 were finally rejected under 35 U.S.C. §103(a) as being unpatentable over Hoffman (U.S. Patent No. 5,894,677) in view of Quenot (U.S. Patent No. 3,004,346). Claims 2 and 5 were finally rejected under 35 U.S.C. §103(a) as being unpatentable over Hoffman in view of Quenot, as applied to Claims 1, 3, and 4 above, and further in view of Knispel et al (U.S. Patent No. 5,210,956).

The Office Action finally rejected claims 1, 3, and 4 under 35 U.S.C. §103(a) as being unpatentable over Hoffman (U.S. Patent No. 5,894,677) in view of Quenot (U.S. Patent No. 3,004,346). Hoffman is cited as disclosing a measuring device having a housing; a tape outlet; and a tape having graduated indicia extending along substantially the entire length of the top side of the tape. Although pointing out that Hoffman lacks identical markings on the top and bottom sides of the tape, the Examiner's Office Action cites Quenot as teaching

the use of a tape having scales on the top face and bottom face of the tape and states it would have been obvious to a person having ordinary skill in the art to add markings, as taught by Quenot, to the bottom side of the tape of Hoffman in order to be able to use the tape with either side upward, as suggested by Quenot.

Applicants respectfully maintain however that, although Quenot teaches a tape having an upper face with a first scale and a lower face with a second scale, the first scale has its point of origin coincident with the outer free end of the tape while the point of origin of the second scale is spaced inwardly from the free end of the tape (independent claim 1 and lines 40 - 47, col. 2 of Quenot).

In contrast to the measuring device disclosed by Quenot, the present invention contemplates a measuring tape having top and bottom sides with both sides having graduated indicia extending along substantially the entire length of the tape, but having the graduated indicia on both the top and bottom sides originating from an identical point at the terminal end so that the measuring scale on the tape measure can be easily read whether the top side is upwardly disposed, as when the lower flange is hooked over the thing to be measured or, alternately, when the bottom side is upwardly disposed as when the tape is used to measure a panel over the measurer's head by hooking the upper flange onto the panel to stabilize the tape as it is extended. (Independent claim 1, as amended herein, and lines 15–20, page 6 of Applicants' Specification).

Accordingly, Applicant respectfully submits that since neither Hoffman nor Quenot teach or contemplate a tape having indicia on both top and bottom sides originating from an identical point at the terminal end of the tape, claims 1, 3, and 4, as amended herein, are patentable under 35 U.S.C. §103(a) over Hoffman and Quenot.

Claims 2 and 5 were finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoffman in view of Quenot, as applied to claims 1, 3, and 4 above, and further in view of Knispel et al (U.S. Patent No. 5,210,956) cited as teaching a measuring device having an attachment clip.

Applicant respectfully submits, however, that because dependent claims 2 and 5 serve to further limit and define independent claim 1 and claim 1, as amended herein, is patentable over the cited prior art for the reasons discussed above, dependent claims 2 and 5 are also patentable under 35 U.S.C. §103(a) over Hoffman in view of Quenot and further in view of Knispel et al.

In summary, it is submitted that Applicant's claims presently in the Application are patentable over the prior art of record, and that the present Application is in condition for allowance. Accordingly, all claims of the application are now believed to be in a condition for allowance and favorable action is therefore respectfully requested.

The Examiner is invited to telephone the undersigned at her convenience, should any issues remain after consideration of the present Amendment, to permit early resolution of same. If any extension of time is required to obtain entry of this Amendment, the undersigned hereby petitions the Commissioner to grant any necessary time extension.

Respectfully submitted,



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